REMARKS

Claims 1-50 are pending in the application and stand rejected.

Double Patenting

Claims 10-13, 23-26, 36-39, and 47-50 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of co-pending U.S. Application Serial No. 10/966,698, now issued as U.S. 6,973,830. Applicants do not agree with the Examiner that these claims are not patentably distinct from claims of the co-pending application but, in the interest of passing this case to issue, hereby submit a Terminal Disclaimer with respect to U.S. 6,973,830 in accordance with 37 C.F.R. 1.321(c).

Rejection under 35 U.S.C §103

Claims 1-8, 14-19, 21, 27-34, and 40-45 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,801,312 to Lorraine et al. in view of U.S. Pat. No. 5,513,532 to Beffy et al. In particular, the Examiner finds that Lorraine discloses all claimed elements of claims 1, 2, 14, 27, 28, 40 and 41, with the exception of a processor configured to store and reverse the signals generated by the laser vibrometer, and a modulator configured to modulate the at least one exciter beam generated by the exciter in accordance with the reversed signals. The Examiner further finds that Beffy teaches inverting or time-reversing signals received from a test object and modulating an emitter in accordance with the reversed signals in order to improve the detection of defects within the test object. The Examiner finally opines that it would have been obvious to the skilled person to provide the system of Lorraine with a processor which both stores and reverses the signals received from the vibrometer and a modulator for modulating the exciter beam in accordance with the reversed signals as taught by Beffy in order to improve the test results and provide a more accurate indication of flaws within the test object.

Applicants respectfully disagree with the Examiner but in the interest of cooperation and solely for the purpose of passing this case to issue have hereby amended independent claims 1, 14, 27 and 40 to incorporate the limitations of claims 8 and 9, 21 and 22, 34 and 35, and 45 and

46 respectively. These dependent claims are rejected by the Examiner in view of a reference that is not properly cited against this application, as discussed elsewhere below. In view of the above, Applicants respectfully submit that amended independent claims 1, 14, 27 and 40 are now allowable and respectfully request the Examiner to pass these claims to issue.

Claims 2-8 depend from claim 1, claims 15-19 and 21 depend from claim 14, claims 28-34 depend from claim 27, and claims 41-45 depend from claim 40. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, in light of the above discussion, Applicants submit that claims 2-8, 15-19, 21, 28-34 and 41-45 are also allowable.

Clear and Conspicuous Statement According to MPEP 7.02(l)(2)

Claims 1-9, 14-22, 27-35, and 40-46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,657,732 to Pepper et al. in view of Beffy et al. and U.S. Pat. No. 5,092,336 to Fink. The present Application, Serial No. 10/809,237, and Patent No. 6,657,732 were, at the time the invention of Application Serial No. 10/809,237 was made, owned in their entirety by HRL Laboratories, LLC. U.S. Pat. No. 6,657,732 is therefore disqualified from being used in a 35 U.S.C. 103(a) rejection, and thus Applicants submit that this rejection is now moot.

Thus, claims 8, 9, 21, 22, 34, 35, 45 and 46 are allowable and because the limitations of these claims have now been incorporated into their respective underlying independent claims via the present amendments, the amended independent claims are now also allowable, as discussed above.

Regarding the prior art made of record by the Examiner but not relied upon, Applicants believe that this art does not render the pending claims unpatentable.

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

March 1, 2006
(Date of Transmission)

Alma Smalling
(Name of Person Transmitting)

(Signature)

3/1/06
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Attachments